

## SECTION 24: SPECIAL USES AND CONDITIONS

### Section 24.0: General

The provisions of this Section shall apply to the uses and conditions hereinafter enumerated. Where this Section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this Section shall apply.

### Section 24.1: Temporary Uses

All time requirements are consecutive days per calendar year unless specifically stated otherwise. Only one temporary use permit is to be issued for a parcel at any one time. Temporary use permits shall not have overlapping time frames. Multiple temporary uses may be considered only through Planning & Zoning Commission approval.

A. Special events shall include such outdoor activities as:

1. Transient amusement activities (carnivals, circuses)
2. Tent revivals, seasonal festivals
3. Outdoor sales events (sidewalk, parking lot sales)
4. Outdoor art and craft shows, exhibits (art, craft, RV, boat)

Events shall be limited to a maximum of three (3) times per calendar year not to exceed a maximum duration of five (5) days per event.

B. Seasonal Stables and Horseback Rides

C. Seasonal Game Receiving Stations or Processing

D. Christmas tree sales lots, subject to not more than 40 days of site occupation and operation per year.

E. Pumpkin sales lots, subject to not more than 30 days of site occupation and operation per year.

F. Campaign offices subject to not more than 70 continuous days of site occupation and operation.

G. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 30 days of display in any one year period for each exhibit.

H. Contractor's office and storage yards on the site of an active construction project.

I. Office trailers for security purposes on the site of an active construction site of major development projects. Temporary use permits may be issued for the length of the construction project but for no longer than 12 months. Permit may be renewed annually so long as project remains in active status.

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#### Section 24.1: Temporary Uses (Continued)

- J. Stands for the sale of jewelry, furs, rugs and similar home-type products subject to not more than 30 days per year.
- K. Stands for the sale of produce subject to not more than 30 days per year. The provisions of this subsection do not apply to the sale of produce raised on the premises.
- L. Temporary retail food sales subject to not more than 30 days per year. This shall include stands for sales at one (1) day special events.
- M. Establishment of batch plants in conjunction with road construction projects subject to Planning and Zoning Commission approval.
- N. Temporary occupancy of a Recreational Vehicle or a Travel Trailer in the G, AR, RR, or MHP Zone for a period not to exceed 100 consecutive days per calendar year, provided that the lot or parcel is not already occupied by a Dwelling or other residential Structure. Approved method of wastewater disposal such as a self contained unit, chemical toilet or porta-potty is required.
- O. Upon the issuance of a Building Permit, temporary occupancy of a Recreational Vehicle or a Travel Trailer in the G, AR, or RR Zone for a period not to exceed six months, provided that the Lot or parcel is not already occupied by a Dwelling or other residential Structure. The temporary use permit may be renewed only if the Building Permit is issued for a Dwelling, and if the Building Permit remains active.
- P. Metal Storage Containers, refer to Section 24.7.
- Q. Additional uses and timeframes determined to be similar to the foregoing may be granted permits by either the Director of Community Development or the Planning and Zoning Commission.

#### Section 24.1-1: Temporary Use Permit Requirements

- A. All temporary uses shall be subject to the issuance of a temporary use permit. Issuance may be through the action of the Director of Community Development or the Planning and Zoning Commission.
- B. The following information shall be submitted when applying for a Temporary Use Permit. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Conditional Use Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
  - 1. A completed Coconino County Temporary Use Permit application form including name of the applicant, mailing address, contact person, phone number, fax number and email address for contact person, Assessor's Parcel Number, Subdivision, unit/lot number, site address/location, zoning, existing land use, lot size, description of the request, property owner's authorization by their signature and permit fee.

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## Section 24.1-1: Temporary Use Permit Requirements (Continued)

2. Two copies of a Site plan (15 copies if Planning & Zoning Commission approval is required) drawn to scale using accurate dimensions showing all property lines, improvements, uses, landscaped areas, location of all streets or right-of-ways providing access to the Site, Easements, traffic flow and parking areas.
  3. A copy of all recorded Easement applicable to the request shall be provided.
  4. A separate Building Permit application shall be submitted for all new construction and electrical installation. Required Building Permits shall be obtained prior the initiation of construction.
  5. A separate Lighting Permit application shall be submitted for any new exterior lighting as required by Section 27: Lighting.
  6. A separate Sign Permit application shall be submitted for any new signage as required by Section 26: Signs.
  7. Prior to the issuance of a Temporary Use Permit a bond may be required. This deposit shall be used to defray the costs of cleanup of the property by the County in the event the permittee fails to do same.
  8. All other required permits and licensing as necessary (i.e. approvals from the Sheriff's Office, Public Works or the Public Health District) shall be obtained prior to the acceptance of a complete temporary use permit application.
- C. Administratively approved Temporary Use Permit timeframes pursuant to ARS § 11-1605 are as follows:
1. Administrative completeness shall be determined within 30 calendar days of the submittal of an administrative Temporary Use Permit application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
  2. Substantive review of all administrative Temporary Use Permit applications shall be completed within 30 calendar days from the determination that the Temporary Use Permit application is administratively complete. One written request for additional information may be made to the applicant during this review process.
  3. The total time for the granting or denying of an administrative Temporary Use Permit is 60 days.
  4. Timeframes are tolled and may be waived in accordance with A.R.S. § 11-1601 et seq.
- D. Planning & Zoning Commission approved Temporary Use Permit timeframes pursuant to ARS § 11-605 are as follows:

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#### Section 24.1-1: Temporary Use Permit Requirements (Continued)

1. Administrative completeness shall be determined within 60 calendar days of submittal of a Commission approved Temporary Use Permit application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
2. Substantive review of all Commission approved Temporary Use Permit applications shall be completed within 120 calendar days from the determination that the Temporary Use Permit application is administratively complete. One written request for additional information may be made to the applicant during this review process. The substantive review includes investigation and report on the case. The substantive review timeframe is suspended during the public hearing process. The public hearing process begins at the posting of the case and is complete upon mailing of the Temporary Use Permit resolution per A.R.S. §11-1605 (c)(8)(c).
3. The total time for the granting or denying of an administrative Temporary Use Permit is 60 days.
4. Timeframes are tolled and may be waived in accordance with A.R.S. § 11-1601 et seq.

#### E. Issuance of Temporary Use Permits shall comply with the following:

1. Temporary Use Permits shall be issued when compliance with this Ordinance is verified. If the Community Development Director determines that the proposed temporary use does not comply with this Ordinance. The permit shall be denied.
2. No work shall commence on a temporary use until the issuance of a permit.
3. No Temporary Use Permit shall be issued if the temporary use is in Violation of other laws or impairs property rights. The Director of Community Development will determine if the Violation or impairment exists with appeal to Superior Court.

#### Section 24.1-2: Performance Standards

Approval of a Temporary Use Permit application shall require compliance with the following performance standards and any further conditions deemed necessary by the Director of Community Development or the Planning and Zoning Commission in order to reduce possible detrimental effects to surrounding developments and to protect the public health, safety and welfare. Failure to comply with the following standards could result in denial or revocation of a Temporary Use Permit.

**NOISE:** Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or businesses.

**PARKING:** Adequate parking shall be provided. All parking shall be located on the same property as the temporary use; public Rights-of-Way shall not be used for parking.

**Revised: 10/13**

## Section 24.1-2: Performance Standards (Continued)

**LOCATION:** No permit shall be issued for a Use the location of which is deemed to be potentially hazardous to the public. This includes, but is not limited to, heavily congested and/or trafficked areas where the use may impede or inconvenience the public. No use shall be permitted in a public Right-of-Way.

**SANITATION:** All requirements of the County Health Department and/or other regulatory Health Authorities shall be met. Provisions for disposal of solid waste shall be required for all Uses.

**SIGNS:** One (1) freestanding or wall mounted Sign not exceeding six (6) square feet in area and six (6) feet in height is permitted. A diagram of the Sign indicating size, text, location on site is required. Color and materials may be reviewed if site is within a DRO Zone. No off site Sign is permitted. Additional signing may be permitted at the discretion of the Planning and Zoning Commission.

**LIGHTING:** All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source. The operation of searchlights or similar lighting sources is prohibited.

**OTHER PERMITS:** Any required Health Department and Sheriff's Office permits or licenses shall be obtained.

## Section 24.1-3: Appeal

If a permit is denied by the Director, the applicant may appeal his decision within thirty (30) days to the Planning and Zoning Commission. The decision of the Commission shall be final fifteen (15) days from the date of the decision unless an appeal is filed. The Commission's decision may be appealed within fifteen (15) calendar days to the Board of Supervisors by the applicant or any other person as prescribed in Section 20.6 (Appeals: Board Review).

## Section 24.1-4: Condition of Site Following Temporary Uses

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the Use, and shall thereafter be used only in accord with the provisions of the zoning regulations. Site shall be restored to previous conditions or better.

**Revised: 10/13**

## Section 24.2: Home Occupations

Home Occupations, where permitted by the provisions of this Ordinance, shall be subject to the approval of the Director of Community Development and shall comply with the following regulations:

- A. 1. A Home Occupation shall be conducted in a Dwelling and shall be clearly incidental to the Use of the Structure as a Dwelling.
2. In no way shall the appearance of the Structure or the premises be so altered or the conduct of the occupation within the Structure be such that the Structure or premises may be reasonably recognized as serving a non-residential Use (either by color, materials, or construction, lighting, Signs, sounds or noises, vibrations, display of equipment, etc.).
3. No one other than a resident of the Dwelling shall be employed in the conduct of a Home Occupation.
4. No motor or mechanical equipment shall be permitted other than normally incidental to the Use.
5. The Use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
6. No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.
7. No Building or space outside of the main Building shall be used for Home Occupational purposes except approved Agricultural/horticultural related activities.
8. There shall be no use of utilities or community facilities beyond that normal to the Use of the property for residential purposes.
9. A Home Occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.
10. No smoke, odor, liquid, or solid waste shall be emitted.
11. There shall be no outdoor storage or display of materials or equipment maintained on the premises.
12. The conduct of the Home Occupation shall not interfere with the maintenance of the required off-street parking spaces on the property.
13. The application shall be subject to periodic review by the Director of Community Development. Violation of any criteria listed above shall result in cancellation of the Home Occupation permit.
- B. A decision of the Director of Community Development regarding the approval, disapproval, or conditions imposed may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the decision.

### Section 24.3: Cottage Industries

Cottage Industries may be permitted subject to the granting of a Conditional Use permit per Section 30.4 by the Planning and Zoning Commission, and if approved shall comply with the following restrictions:

- A. 1. The entrepreneur of the Cottage Industry shall reside on the property.
2. The number of persons employed in connection with the Cottage Industry and who are not residents of the Dwelling shall not exceed three (3) full time employees or the equivalent part-time.
  3. The Cottage Industry may be conducted either within the Dwelling or an Accessory Structure, or both, provided that not more than 50% of the combined floor area shall be used in the conduct of the Cottage Industry.
  4. One nonilluminated Sign not exceeding six (6) square feet in area and six (6) feet in height shall be permitted. Colors of Sign background, Sign lettering, and support structure shall be earth tones complementary to the natural surroundings.
  5. Adequate off-street parking shall be provided according to the provisions of Section 25: Off-Street Parking. There shall be a maximum of five (5) parking spaces.
  6. Any outdoor storage shall be as permitted in the underlying zone or as specified by the Commission. Outdoor storage shall be completely enclosed with a solid six (6) foot high fence or wall.
  7. Parking of Commercial Vehicles shall be as permitted in the underlying zone.
  8. Property for which a conditional use permit for a Cottage Industry is approved shall front on and have direct Access on a Road accepted for maintenance by the County or other governmental agency.
  9. Outdoor lighting shall conform to Section 27: Lighting.
  10. Direct sales of products is allowed if such sales are specifically provided for in the Use permit.
  11. The business shall not generate any noise, vibration, smoke, dust, odor, heat, glare, or electrical interference with radio or television reception that would exceed that normally produced by a Dwelling Unit.
  12. The Commission may grant a Conditional Use permit for up to three (3) years. If all requirements of this Section and of the use permit have been consistently met, and if no complaints have been filed with the Department of Community Development, the Use permit may be renewed for up to five (5) years.

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#### Section 24.4: Bed and Breakfast Establishments

Bed and Breakfast Establishments, where permitted by the provisions of this Ordinance through the issuance of a Conditional Use permit per Section 30.4, shall be subject to the approval of the Planning and Zoning Commission and shall comply with the following regulations:

- A. 1. All provisions of Section 24.2.A pertaining to Home Occupations shall be met.
2. Applicants for a use permit shall be the property owners.
3. No more than two bedrooms shall be used at any one time.
4. No more than five boarders may be accommodated at any one time.
5. The maximum duration of stay of any one guest shall be ten days.
6. The boarders must enter through the main entrance of the Dwelling to get to their rooms, with no separate entrances allowed.
7. All parking must be accommodated on site.
8. The Commission may grant a Conditional Use permit for up to three (3) years. If all requirements of this Section and of the Use permit have been consistently met, and if no complaints have been filed with the Department of Community Development, the Use permit may be renewed for up to five (5) years.
9. For the use of two bedrooms, State and County Health Department approval and permits are required.



## Section 24.5: Wireless Telecommunication Facilities

A. The purpose of this section is to establish a process, rules and standards for the construction of Wireless Telecommunication Facilities to:

1. To protect and promote the public health, safety and welfare.
2. To provide guidelines for the siting and design of Wireless Telecommunication Facilities.
3. To protect the county's environmental resources and to minimize adverse impacts on visual resources.
4. To ensure that Wireless Telecommunication Facilities are compatible with adjacent land Uses.
5. To minimize the number of towers by encouraging the joint use (co-location) of facilities and by maximizing the use of existing Towers and Structures.
6. To allow competition in telecommunications service.
7. To enhance the ability to provide wireless telecommunication services to county residents, businesses and visitors.

B. Definitions:

1. ANTENNA means any exterior device for transmitting and receiving wireless communication that is mounted on a Tower, Building or Structure and that is used to send and receive signals for cellular telephone, personal communication service (PCS), mobile radio, paging, wireless Internet access, and similar communication services. Antennas may include panels, microwave dishes, satellite dishes, whip antennas or other devices that may be affixed to a Tower, pole or other Structure.
2. ANTENNA, ATTACHED means an Antenna mounted on the exterior of an existing Building, silo, smokestack, water tower, utility or power pole, existing wireless communication Tower, or an alternative support Structure.
3. ANTENNA, CONCEALED (STEALTH) means an Antenna with a support Structure that screens or camouflages the presence of Antennas and/or Towers from public view in a manner appropriate to the site's context and surrounding environment. Examples include manmade trees, flagpoles that do not exceed ten feet above the maximum allowable Structure Height for the zone, utility poles, light poles, water tanks, steeples, and architectural and facade features.
4. CO-LOCATION means use by two or more wireless communication providers on the same Tower or other alternative Structure.
5. HEIGHT means the vertical distance from the preexisting Grade at the base of the Tower to the highest point of the Tower including Antennas.

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## Section 24.5: Wireless Telecommunication Facilities (Continued)

6. TOWER means a self-supporting Structure such as a lattice Tower or monopole, a guyed Tower, or a Structure affixed to or mounted on an existing or newly constructed Building or other permanent Structure, together with associated equipment, designed to support one or more Antenna.
7. WIRELESS TELECOMMUNICATION FACILITIES mean any combination of one or more Antennas, Towers and/or Structures with equipment used for the transmission of wireless communication.

### C. Where Allowed:

1. Wireless Telecommunication Facilities require the granting of a Conditional Use permit by the Planning and Zoning Commission except as specified in Section H below. Facilities are preferred in the industrial (M-1-10,000, M-2-6,000, and MP) and commercial (CG-10,000, CH-10,000, and CN-2/A) zones, but are also permitted with a Conditional Use permit in the AR, RR, G, PRD, PC, PS, OS, RC, P, and MR zones. Facilities are not permitted in the residential (RS-6,000, RS-10,000, etc., RM-10/A, RM-20/A, MHP and RMH) zones.

### D. Preferred Facilities:

Site location and development of Wireless Telecommunication Facilities shall preserve the existing character of the surrounding land Uses and Buildings and the aesthetic visual character of the area. If technically feasible, new facilities shall use the most preferred facility type. The order of preference for new facilities is as follows (from most preferred to least preferred):

1. Co-location on an existing Tower
2. Antennas attached to existing Structures such as Buildings, light poles, utility poles
3. Concealed or camouflaged facilities
4. New sites on previously disturbed areas such as cinder pits
5. New Towers/facilities under 100' in commercial or industrial zones
6. New Towers/facilities 100'-175' in commercial or industrial zones
7. New Towers/facilities under 100' in G, AR, or RR zones
8. New Towers/facilities 100'-199' in G zones
9. New Towers/facilities 100'-150' in AR or RR zones
10. New Tower in other zones as described in Section C above

New facilities shall use the most preferred facility type and location where technically feasible, even if it results in an increase in the number of facilities or a higher cost. A lesser-preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact or is more technically necessary than the use of more preferred facilities.

### E. Disfavored Facilities

1. Any site that is within a state or federal designated scenic corridor such as Highways 180, 64, and 89A

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## Section 24.5: Wireless Telecommunication Facilities (Continued)

2. Any site within a visual corridor or scenic vista, for example in the view of the San Francisco Peaks, along a ridgeline exposed to view from highway travelers or to residential areas, along a public trail, in a park or recreation area, unless the facility blends with the surrounding natural and human made environment.
3. Sites adjacent to or very close to residential areas.
4. Sites adjacent to or very close to sacred sites.

### F. Performance Standards and Design Requirements

1. Height. New facilities shall not exceed 199 feet in Height.
2. Setbacks. The Setback for Towers is 105% of the Tower Height from all property lines so that in case of collapse or failure the Tower would be contained on the property. Setbacks may be allowed to extend onto adjacent properties if there are dedicated fall zone easements. The Setbacks may be reduced if a registered engineer can certify that in case of failure the tower would be contained on site. In commercial and industrial zones, the Setbacks may be reduced to 30% of the Tower Height if a registered engineer can prove that in case of failure the Tower would be contained on site. Guys and Accessory Structures must meet the Setbacks of the underlying zoning classification. Facilities that are located on new or replaced utility poles, street lights, or traffic signal poles are exempt from the Setback requirements.
3. Color and Materials. Towers and attached Antennas must be painted or coated in a color that blends with the surrounding environment. Muted colors, earthtones, and subdued hues, such as gray, shall be used. All associated Structures such as equipment Buildings, including the roofs, shall be painted with earthtone colors.
4. Fencing. New Towers, other than flagpoles, utility poles, or other camouflaged facilities, shall be fenced to prevent trespass.
5. Lighting. Lighting on any new Tower is prohibited unless required by the Federal Aviation Administration or by other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.
6. Landscaping. Perimeter Landscaping may be required as a condition of approval of the facility, depending on the location. Existing vegetation shall be preserved to the maximum extent possible.
7. Signs. No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification Signs.
8. Permits. A Building Permit is required for the construction of any new Tower and for Accessory Structures.
9. Storage. Long-term vehicle storage and other outdoor storage are prohibited.
10. Term of use permit. The Conditional Use Permit shall have a time limit of no more than five years. Prior to the end of the five-year period, the applicant and/or Structure owner shall be responsible for submitting a new application for renewal. The applicant shall demonstrate that changes in technology have not eliminated the need for the facility as approved. Renewal of a conditional use permit shall be based on compliance with the conditions of approval.

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G. Application Process

Prior to the submittal of a conditional use permit application, the applicant shall schedule a pre-application conference with staff of the Community Development Department. Staff will review the Ordinance requirements and submittal requirements to ensure a complete application. In addition, for facilities located within one-half mile of a residential area, the applicant shall hold a neighborhood meeting prior to the submittal of an application. Staff will attend the meeting and utilize the comments of neighbors in the analysis presented to the Planning and Zoning Commission. The requirement for a neighborhood meeting may be waived by the Director of Community Development. The application shall include all of the requirements for any conditional use permit, including 15 copies of a detailed site plan and elevations, Landscape and fencing plans, etc., plus the following:

1. Site plan. The site plan shall show existing improvements on the property, adjacent Roads and Access Roads, parking, fencing, lighting, existing trees that will be retained and those that will be removed, Setbacks from all property lines, and all proposed improvements including those on the ground.
2. Elevation drawings. The drawings shall show the Tower and proposed attached Antenna(e), as well as proposed Structures on the ground. Materials and colors shall be indicated and color samples shall be provided.
3. Photo images. Photo simulations of the proposed facility from each direction shall be provided showing the Tower, all Antennas, Structures, and equipment facilities, demonstrating the true impact of the facility on the surrounding visual environment. The Community Development Department will assist in specifying recommended vantage points and the requested number of photo simulations at the pre-application conference.
4. Communication plan. Each applicant shall provide a plan of its facilities to the County prior to or in conjunction with any application for the installation of a Wireless Telecommunication Facility. The plan shall cover the entire County extending five miles beyond the County border. The plan shall include the following. These shall be in general terms and are not meant to require submittal of confidential or proprietary information.
  - a. All of the applicant's existing Wireless Telecommunication Facilities by size, type and coverage area
  - b. All presently anticipated future service areas, anticipated dates of development, and types and Heights of facilities desired for each of the service areas.
  - c. The various types of Wireless Telecommunication Facilities used by the applicant to furnish service and when they are used. This includes drawings providing the sizes and shapes of the Antennas and other equipment as well as written materials describing their application.
  - d. The applicant's policy direction for the mitigation and/or reduction of existing and proposed Towers to avoid the proliferation of such facilities.
  - e. The applicant's policy direction on the mitigation and/or reduction of the negative visual impacts created by new Towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
  - f. The applicant's policy direction on co-location of Antennas on their own facilities, on facilities from other applicants or Tower companies, or on other Structures that provide the verticality required for the Antennas.

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## Section 24.5: Wireless Telecommunication Facilities (Continued)

- g. Designation of an agent (contact person) of the applicant who is authorized to receive communications and notices pursuant to this section.
5. Written narrative. A written narrative shall be submitted with the application explaining why the proposed site has been chosen, why the proposed Wireless Telecommunication Facility is necessary, why the requested height was chosen, ability of the facility to accommodate other providers, and any other information requested at the pre-application conference.
6. Existing Structures. Evidence shall be submitted demonstrating that no existing verticality can be utilized within the targeted search area, defined generally as a one mile radius, to meet the applicant's requirements.
7. Property owner list. A typewritten list of the names and addresses of all property owners, keyed to Assessor's Parcel Numbers, within 500 feet of the outside boundaries of the subject property for towers up to 99 feet, and within 1000 feet for towers from 100-199 feet.
8. For facilities within one quarter mile of residential areas, defined as neighborhoods or Subdivisions, evidence of notification of property owners within one quarter mile, map indicating Tower site and residential area, and evidence of neighborhood meeting including sign-in sheet and a description of how the design addresses the residents' concerns.

### H. Exemptions

This Ordinance does not apply to Ham Radio Towers, which are regulated elsewhere in the Zoning Ordinance, or to satellite dishes for television reception at individual single family residences. In addition, a conditional use permit is not required to co-locate additional Antennas on already approved Towers unless it results in a substantial change in the approval, such as an increase in Tower Height. A conditional use permit is not required for attached Antennas where the Height of the Structure the Antenna is being attached to is not increased. Examples would be Antennas on existing utility or light poles, water Towers, or on the fascia of existing Buildings. A conditional use permit is also not required for a stealth design that meets the Height restriction of the zone in which the Tower is proposed to be located. Co-locations are subject to the same conditions of approval as the original conditional use permit.

### I. Abandonment

The provisions of Zoning Ordinance Section 19, Nonconforming Situations, shall apply to Wireless Telecommunications Facilities. Pursuant to Section 19.11, a Tower shall be considered abandoned and the use discontinued if it is not utilized, i.e. there are no providers/Antennas on the tower, for a continuous period of 180 days.

### J. Obsolescence and Removal

In addition to all other remedies available to Coconino County, if a facility is abandoned pursuant to Section I above and Section 19 of the Zoning Ordinance, or if a facility becomes obsolete due to changing technology, it shall be the responsibility of the Tower owner and/or property owner to remove the Tower and to restore the site to its original condition within 60 days. If the Tower is not removed within this 60-day period, Coconino County may notify the Tower owner that it will contract for removal at the cost of the owner.

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#### Section 24.6: Group Homes for the Handicapped

- A. Purpose: The purpose of these regulations is to permit handicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.
- B. Zoning Confirmation: Prior to registration, a request for zoning confirmation may be submitted to the Community Development division to confirm that the proposed location of the group home is permitted under this section.
- C. Standards: Group Homes for the Handicapped shall be located, developed, and operated in compliance with the following standards:
1. *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines. No separation is required when Group Homes are separated by a utility Right-of-Way of at least 300 feet in width, or by a freeway, arterial Street, canal, or railroad.
  2. *Occupancy.* The number of residents, excluding staff, shall not exceed 10.
  3. *Exterior Appearance.* There shall be no sign or other exterior indication of a Group Home visible from a Street.
  4. *Compliance with all Applicable Building, Environmental Health and Fire Safety Regulations.* If a Group Home has one or more non-ambulatory residents, building code requirements in addition to those applicable to Group Homes with no non-ambulatory residents, shall apply.
  5. *Licensing.* Group Homes shall comply with applicable licensing requirements.
  6. *Parking.* Any parking for the Group Home shall be on Site.
  7. *Tenancy.* No Group Home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- D. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a Group Home for the developmentally disabled pursuant to ARS § 36-582 or an assisted living home pursuant to ARS Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.
- E. Request for Accommodation: If a Group Home owner believes any requirement of the Zoning Ordinance prevents the establishment of a Group Home in an economically viable manner, the owner shall submit a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow an individualized determination of the group home's needs, to address safety and welfare concerns, and to assure compliance with this section. Community Development Department staff shall review the written request and determine:

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#### Section 24.6: Group Homes for the Handicapped (Continued)

1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

- F. Property is considered a Group Home for the Handicapped under this Ordinance after the Coconino County Community Development Department issues a Permit for a Group Home for the Handicapped for that property. Only property serving occupants who fit the definition of Handicapped under the Fair Housing Act are eligible for determination as a Group Home for the Handicapped.
1. In order to secure a Permit for a Group Home for the Handicapped, an application must be submitted on the form prescribed by the Community Development Department. The application must be accompanied by the following: a Site Plan, a notarized statement detailing qualifications, copies of applicable licensed, an affidavit of compliance and other documentation indicating the use of the property as a Group Home for the Handicapped as may be required by the Director of the Community Development Department. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Conditional Use Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
  2. The Community Development Department will review the application for administrative completeness within 10 days after submission. The Department will have 30 days after administrative completeness to conduct its substantive review of the application. The total time for the granting or denying of the Certificate of Exemption is 40 days. Time frames are tolled and may be waived in accordance with A.R.S. §11-1601 et seq.
  3. If standards are not met, the home shall be considered an Other Group Home and shall be subject to the provisions of the Zoning Ordinance guiding such an establishment. Status as a Group Home for the Handicapped is open to review by the Coconino County Community Development Department and may be cancelled at any time upon a determination by the Director that the property is no longer being used for a qualifying purpose or meeting standards laid forth in this Ordinance. The denial of a Permit may be appealed to the Board of Supervisors subject the provisions of Section 30.7 of this Ordinance.

## Section 24.7: Metal Storage Container Boxes

- A. The purpose of this section is to establish the criteria, process, rules and standards for the use of Metal Storage Container boxes.
- B. Metal Storage Containers are defined as prefabricated, portable metal containers used for storage of personal property.
- C. Temporary Uses in the G, AR, RR and RS Zones
  1. Upon the issuance of a Building Permit, two 160 square foot Metal Storage Containers may be established with a no-fee temporary use permit. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as Building Permit remains in active status.
  2. For non-permit projects (emergency situations related to fire or flood, or remodels), two 160 square foot Metal Storage Containers may be established with temporary use permit for up to 9 months. Emergency related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional 9 month period.
  3. Metal Storage Containers shall be located at least 10 feet from the Front and Street Side Property Lines and shall meet Side and Rear Setback requirements for the zoning district in which they are located. Exceptions may be granted by the Director of Community Development in an emergency situation for a maximum of 90 days.
  4. There shall be no utilities installed within the Metal Storage Container.
  5. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 30.4.
- D. Temporary Uses in the CG, CH, M1 and M2 Zones
  1. Upon the issuance of a Building Permit Metal Storage Containers may be established with a temporary use permit. A no fee temporary use permit is required prior to the storage container being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as Building Permit remains in active status.
  2. For non-permit projects Metal Storage Containers may be established with a temporary use permit for up to 6 months.
  3. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks, Building separation and Structure Height. Exceptions may be granted by the Director of Community Development in an emergency situation for a maximum of 90 days.
  4. There shall be no utilities installed within the Metal Storage Container.
- E. Permanent Uses in the G, AR, RR and RS Zones
  1. One 160 square foot Metal Storage Container may be established with an approved Building Permit subject to the following standards.
    - a. There shall be no signage on the Metal Storage Container.
    - b. The only utilities permitted shall be electricity for lights and outlets, i.e. there shall be no plumbing or mechanical. The addition of electricity requires an electric permit.

Revised: 8/05, 12/07, 10/13



## Section 24.7: Metal Storage Container Boxes (Continued)

- c. All containers shall be painted and maintained either the primary Structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
- d. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks, Building separation and Structure Height.
- e. Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit, for example rental of the unit to people not residing on the property.
- f. The unit shall not be used for residential use or for the keeping of animals.
- g. Nothing shall be stored on top of the unit.
2. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 30.4.
3. Metal storage containers existing prior to the adoption of this Ordinance will have until January 1, 2009 to meet these requirements.

### F. Permanent Uses in the CG and CH Zones

1. The equivalent of one 320 square foot Metal Storage Container (for example two 8'x20' containers or one 8'x40') may be established with an approved Building Permit subject to the following standards.
  - a. There shall be no signage on the Metal Storage Containers
  - b. Electric utility may be permitted as part of the Building Permit.
  - c. All containers shall be painted and maintained either the primary Structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
  - d. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks.
2. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 30.4.
3. Metal storage containers existing prior to the adoption of this Ordinance will have until January 1, 2009 to meet these requirements.

### G. Permanent Uses in the M1 and M2 Zones

1. Metal Storage Containers are permitted with an approved Building Permit subject to the following standards.
  - a. There shall be no signage on the Metal Storage Containers
  - b. Electric utility may be permitted as part of the Building Permit.
  - c. All containers shall be painted and maintained either the primary Structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
  - d. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks. Any deviations from these standards may be approved through the issuance of a conditional use permit.
2. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 30.4.
3. Metal Storage Containers existing prior to the adoption of this Ordinance will have until January 1, 2009 to meet these requirements.

**Revised: 12/07, 10/13**

## Section 24.8: Accessory Wind Energy Systems

- A. The purpose of this section is to establish a process, rules and standards for the construction and operation of Accessory Wind Energy Systems used primarily for on-site power consumption.
- B. Definitions:
1. Accessory Wind Energy System: A system designed as a secondary use to existing Buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system consists of a wind turbine and associated controls and may include a Tower.
  2. Hub Height: The distance measured from ground level to the center of the turbine hub.
  3. Total Height: The distance measured from ground level to the blade extended at its highest point.
  4. Wind Turbine is a device which converts the kinetic energy of the wind into a useable form of electrical energy.
- C. Where Allowed:
1. Accessory Wind Energy Systems shall be considered a permitted use in the following zoned areas G, AR, RR, RS, RM, PC, PRD, PS, RC, CG, CH, MR, MP, M1 and M2 Zones that are a minimum of one acre in size. Roof mounted systems may be permitted in any of the above mentioned zoned areas that are a minimum of one-half acre in size.
  2. Any deviation from the required standards of this Ordinance may be approved through the issuance of a Conditional Use Permit per Section 30.4.
- D. Performance Standards and Design Requirements.
1. The requirements of this Ordinance shall apply to all Accessory Wind Energy Systems proposed after the effective date of this Ordinance.
  2. All Accessory Wind Energy Systems shall conform to applicable industry standards, including those of the American National Standards Institute.
  3. Minimum parcel size of 1 acre is required for the installation of an Accessory Wind Energy System.
  4. No more than two systems are permitted per parcel.
  5. Maximum height shall be that of the underlying zoning district measured from preexisting natural Grade to the center of the turbine hub for horizontal and vertical systems.
  6. Setback requirements shall be 100% of the Total Height of the Accessory Wind Energy System from all property lines, Access Easements, Residential Structures, and public electric power or telephone lines. No part of the wind system Structure, including guy wire anchors, may extend into the minimum Setback area of the underlying zoning district or into any Access or utility Easements
  7. All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the Community Development Director. The appearance of the turbines, towers and any other related components shall be maintained throughout the life of the wind energy facility pursuant to industry standards.

**Revised: 12/07, 6/08, 10/13**

## Section 24.8: Accessory Wind Energy Systems (Continued)

8. Systems shall not be used for displaying any advertising.
9. Systems shall not be illuminated unless required by a state or federal agency.
10. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a Building Permit.
11. Accessory Wind Energy Systems shall be designed, installed, and operated so that noise generated by the system shall not exceed fifty decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.
12. Building Permits shall be obtained for any Accessory Wind Energy System prior to installation.

### E. Obsolescence and Removal

If the Accessory Wind Energy System remains nonfunctional or inoperative for a continuous period of 120 days, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire Structure including foundations to below natural Grade, and transmission equipment.

## Section 24.9: Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities

A. The purpose of this section is to establish a process, rules, and standards for the construction, establishment, and operation of Medical Marijuana Dispensaries, and Off-Site Cultivation and Infusion Facilities, pursuant to ARS §36-2806.01.

### B. Definitions:

1. Medical Marijuana: All parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
2. Medical Marijuana Dispensary: A not-for-profit entity defined in ARS §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to qualifying patients or their designated caregivers.
3. Medical Marijuana Infusion Facility: A facility that incorporates Medical Marijuana by means of cooking, blending, or incorporation into consumable/edible goods.
4. Medical Marijuana Off-Site Cultivation Location: A Building, Structure, or premises associated with, but separate from a Medical Marijuana Dispensary where cultivation, storage, infusion, and/or manufacture of Medical Marijuana products is accomplished.

### C. Where Allowed:

1. Medical Marijuana Dispensaries shall be considered a permitted use in the CG-10,000 (Commercial General) and CH-10,000 (Commercial Heavy) Zones or in the PC (Planned Community) Zone in areas designated for development subject to CG-10,000 and CH-10,000 Uses and development standards subject to the following performance standards and design requirements.
2. Medical Marijuana Off-Site Cultivation and Infusion Facilities shall be considered permitted Uses in the M-1-10,000 (Light Industrial), and M-2-6,000 (Heavy Industrial) Zones or in the PC (Planned Community) Zone in areas designated for development subject to the M-1-10,000 and M-2-6,000 Uses and development standards subject to the following performance standards and design requirements. Off-Site Cultivation and Infusion Facilities shall be considered Conditional Uses per Section 30.4 in the CH-10,000 (Commercial Heavy) Zone or in the PC (Planned Community) Zone in areas designated for development subject to CH-10,000 uses and development standards.

### D. Performance Standards and Design Requirements:

1. Medical Marijuana Dispensaries shall be located in a permanent Building, and may not locate in a trailer, cargo container, or motor vehicle.
2. Medical Marijuana Dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana pursuant to ARS §36-2806(C).
3. Medical Marijuana Dispensaries shall be a maximum of 2,500 gross square feet.

**Revised: 02/11, 10/13**

#### Section 24.9: Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities (Cont)

4. Medical Marijuana Dispensaries and Cultivation/Infusion Facilities shall not be located within 500 feet of a public or private Preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park existing before the date of application for the Medical Marijuana Dispensary or Cultivation/Infusion Facility. This distance shall be measured in a straight line from the exterior walls of the Building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
5. Medical Marijuana Dispensaries and Cultivation/Infusion Facilities shall not be located within 500 feet of another Medical Marijuana Dispensary or Cultivation or Infusion Facility. This distance shall be measured in a straight line between the exterior walls of the Buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
6. Any Medical Marijuana Dispensaries and Cultivation/Infusion Facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private Preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park.
7. Retail sales and dispensing of Medical Marijuana and related products is prohibited at Off-Site Medical Marijuana Cultivation and Infusion Facilities.
8. Operating hours of Medical Marijuana Dispensaries are limited to 8:00 am to 8:00 pm.
9. Drive-through services are prohibited.
10. There shall be no emission of dust, fumes, vapors, odors, or hazardous waste into the environment from any facility where Medical Marijuana Cultivation or Infusion occurs.
11. Marijuana remnants and byproducts shall be secured and properly disposed of and shall not be placed within the facility's exterior refuse containers.
12. Medical Marijuana Cultivation and Infusion may occur within a Medical Marijuana Dispensary. Otherwise, a Medical Marijuana Dispensary may have one additional location where Cultivation, Infusion, and production of Medical Marijuana products occurs pursuant to ARS §36-2804(B)(1)(b)(ii).

#### E. Permits Required:

1. Where Medical Marijuana Dispensaries and Cultivation/Infusion Facilities are classified as a permitted Use, an administrative permit shall be obtained prior to establishment of the Use. To obtain an administrative permit, an applicant must comply with paragraphs 3-10 of this section.
2. Where Medical Marijuana Cultivation/Infusion Facilities are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use per Section 30.4. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.
3. The applicant shall provide the name and location of the Medical Marijuana Dispensary. For an Off-Site Cultivation and/or Infusion Facility, the applicant shall provide the name and location of the dispensary with which it is associated.
4. If the applicant is not the property owner, the application shall include both the applicant's and property owner's signatures.
5. The applicant shall provide a copy of their dispensary registration certificate issued by ADHS pursuant to ARS §36-2804(B) and a copy of the operating procedures adopted pursuant to ARS §36-2804(B)(1)(c) along with a Site plan, floor plan, and security plan.

**Revised: 02/11, 10/13**

Section 24.9: Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities (Cont)

6. If the dispensary and/or cultivation/infusion facility is proposed to be located in an existing Building, the applicant shall obtain a Building Permit for change of occupancy with plans prepared by a professional architect registered in the State of Arizona.
  7. A Medical Marijuana Dispensary or Infusion Facility that incorporates Medical Marijuana by means of cooking, blending, or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.
  8. If the measured distance is within 25 feet of the required limits identified in Sections 14.9.D.4 & 5 above, a survey sealed by a registered land surveyor may be required, at the discretion of the Director of Community Development and at the applicant's expense, to verify the required separation.
  9. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Board of Supervisors in effect at the time of application.
  10. Permits may be denied if the applicant, in the reasonable opinion of the Director of Community Development, is failing to comply with any applicable state or local law or regulation.
- F. Administratively approved Medical Marijuana Dispensary, Cultivation or Infusion facility permit timeframes pursuant to ARS § 11-1605 are as follows:
1. Administrative completeness shall be determined within 30 calendar days of the submittal of an administrative Medical Marijuana Dispensary, Cultivation or Infusion facility permit application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
  2. Substantive review of all administrative Medical Marijuana Dispensary, Cultivation or Infusion facility permit applications shall be completed within 30 calendar days from the determination that the Medical Marijuana Dispensary Permit application is administratively complete. One written request for additional information may be made to the applicant during this review process.
  3. The total time for the granting or denying of an administrative Medical Marijuana Dispensary, Cultivation or Infusion facility permit is 60 days.
  4. Timeframes are tolled and may be waived in accordance with A.R.S. § 11-1601 et seq.

**Revised: 02/11, 10/13**

#### Section 24.10: Animal Husbandry Activities or Projects

FFA, 4-H or any Agricultural or recognized Animal Husbandry activity or project conducted primarily for educational purposes or school credits, may be permitted in any zone.

The following criteria shall be met:

- A. Active membership, including enrollment in the specific Livestock project, must be maintained, the project must be operated in compliance with all requirements of the organization having jurisdiction over the project, and verification of such shall be required.
- B. The keeping of all animals shall be subject to The Rules and Regulations of the Coconino County Health District, Sections 11-1 (General), 11-2 (Piggeries) and 11-3 (Sanitary Requirements), as applicable.
- C. Under this exemption the Setback and number of animals per acre do not apply for animals utilized in Animal Husbandry projects. However, the Setback exemption shall not apply to any piggery, which is required by The Rules and Regulations of the Coconino County Health District to be located at least three hundred (300) feet from an inhabited house on an adjoining property.
- D. An application for the Animal Husbandry exemption must be approved by the Department of Community Development before more animals than the number permitted in the zoning district are brought to the property, or before any required Setbacks are waived.
- E. The Setback exemption and/or the number of animals per acre exemption may be revoked by the Director of Community Development if the Animal Husbandry activity or project is found to be out of compliance with any rules or regulations of the organization having jurisdiction over the project (i.e. The University of Arizona Cooperative Extension, etc.). The finding of said lack of compliance must be made by the organization with jurisdiction.
- F. The Setback exemption and/or the number of animals per acre exemption may be revoked by the Director of Community Development if a violation of Section 11-1, Section 11-2, or Section 11-3 of The Rules and Regulations of the Coconino County Health District is found to exist on the property. The finding of a violation must be made by the Coconino County Hearing Officer for Environmental Services.
- G. The Setback exemption and/or the number of animals per acre exemption may also be revoked by the Director of Community Development if a violation of Coconino County Ordinance Number 96-01 (Cruelty to Animals), or a violation of ARS § 13-2910 (Cruelty to Animals) is found to exist on the property. The finding of a violation must be made by a Justice of the Peace.
- H. A revocation of an exemption may be appealed to the Planning and Zoning Commission. A written appeal must be filed within thirty (30) days of the revocation.
- I. A decision by the Planning and Zoning Commission may be appealed to the Board of Supervisors. A written appeal must be filed within fifteen (15) days of the Commission's decision.

**Revised: 3/04, 10/13**